

"An Act amending Chapter 49, Acts of the Forty-third Legislature, First Called Session, page 145 (Article 3886-B), providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of 100,001 inhabitants, and not more than 150,000 inhabitants, and containing two cities of 50,000 population or more each, according to the last preceding Federal census; providing for the compensation of assistant county attorneys and other employees of the county attorney in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective from and after its passage; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 18, "Granting to W. D. Malone and B. Dryer of El Paso County, Texas, permission to bring suit against the State of Texas and against the Highway Commission of Texas, in a court of competent jurisdiction in Travis County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 27, "Providing that the year ending March 2, 1936, be designated as Texas Tree Centennial celebration and urging schools, churches, fraternal orders, Parent-Teachers' Associations, 4-H Clubs, Boy Scouts, Girl Scouts and patriotic organizations to plant fruit and nut trees in appropriate places, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 23, "Endorsing the policy of offering a reward for notorious, well-known, and outstanding criminals, and endorsing and approving the manner in which peace officers of Texas are attempting to suppress crime, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 21, "Granting to J. O. Currie and J. C. Locklar, of Midland County, Texas, permission to bring suit against the Highway Department of the State of Texas and the State of Texas in a court of competent jurisdiction in Travis County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
February 20, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.

Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Fellbaum. Holbrook.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senator Excused.

On motion of Senator Blackert, Senator Holbrook was excused for the day on account of important business.

Bills and Resolutions.

By Senator Oneal:

S. B. No. 61, A bill to be entitled "An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032 to the Railroad Commission of Texas and the Attorney General of Texas for the enforcement of the oil and gas laws of this State; authorizing the Railroad Commission to employ such other help, whether executive, expert, clerical or otherwise, in the fields, and to incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the Commission promulgated pursuant thereto; amending the appropriation for Oil and Gas Division of the Railroad Commission as contained in House Bill No. 167, Chapter 166, General Laws of Texas, Forty-third Legislature, Regular Ses-

sion, 1933, page 497; levying a tax of one-eighth of one cent per barrel of forty-two standard gallons of crude petroleum produced within this State; further amending provisions of House Bill No. 167, Chapter 166, of the Regular Session of the Forty-third Legislature; and further authorizing additional employees and their expenses to be paid out of said tax after payment of all amounts appropriated in the General Appropriation Bill for the support of the Oil and Gas Division, fixing their salaries and limiting the number; providing that if any portion of this Act be held unconstitutional it shall not affect the remaining sections, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 62, A bill to be entitled "An Act to prohibit the operation of Travel Bureaus, to prohibit anyone from holding out to the public that such person is engaged in the business of a Travel Bureau, to prohibit anyone from soliciting other persons to travel by motor vehicle over the public roads and highways of Texas where such person is to pay money for said transportation or any portion of the expense thereof, defining a Travel Bureau, making violations of the Act a misdemeanor, fixing penalties, excepting from the operation of the Act persons and corporations engaged in the transportation business who have complied with the Laws of the State of Texas and of any Municipality in which such business may be carried on, and making it the duty of all Peace Officers and Inspectors for the Railroad Commission of Texas to enforce the Act, and declaring an emergency."

Read first time and referred to the Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 63, A bill to be entitled "An Act declaring it to be the policy of the State of Texas to provide for the standarization of certain vegetables as a protection to grower, shipper, carrier and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the State of Texas; directing and empowering the Commissioner to establish regulations and grades of certain vegetables; etc."

Read first time and referred to the Committee on State Affairs.

By Senator Parr:

S. B. No. 64, A bill to be entitled "An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof, whether under contracts or otherwise; and for licensing and bonding and regulating dealers in such products; etc."

Read first time and referred to the Committee on State Affairs.

S. C. R. No. 26.

Senator Blackert sent up the following resolution:

Whereas, To date there has been no definite effort made to conserve the priceless historical relics which are the heritage of Texas, many of which are in danger of being completely lost to posterity, for, as someone has aptly expressed it, "Texas boasts more of her glorious history and her martyred heroes and yet does less to preserve their historic shrines and to honor their illustrious dead than any other state in the Union"; and

Whereas, In all the annals of history there is no state, nation or country whose history is more replete with deeds of bravery, heroism and romance than is the history of Texas in its transition from a wilderness inhabited by Indians, down through its successive stages when at various times under six different flags it was a province of a foreign country, then an independent republic and finally a State of the Union. Without Goliad, without San Jacinto, or any of the other battlefields where history was made, the Alamo alone would justify our claims to immortality in the halls of fame for our heroes who were responsible for this heritage of ours. "Thermopylae had her messenger of defeat, the Alamo had none"; and

Whereas, The Texas American Legion with the purpose in view of erecting a permanent building in Austin, Texas, in which may be gathered and properly preserved historical relics and data, which if once lost can never be replaced, have secured the consent of Congress to mint half dollars commemorating the Texas Centennial, the sale of which

coins will go toward the consummation of Legion's hopes and desires with reference to saving to the State and Nation the incontestable proofs of the patriotic courage, fortitude and wisdom of our pioneer forefathers who against unbelievable odds wrested from hostile forces an empire State which today stands second to none in these United States.

THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House concurring, That the Legislature of Texas endorse the effort of the Texas American Legion in their laudable undertaking to provide a permanent repository for the relics, data and historical material generally in order that same may be preserved, and the building in which they are placed may be a suitable shrine dedicated to the heroes of Texas.

BLACKERT,
HOLLBROOK.

On motion of Senator Blackert, the Senate granted unanimous consent to consider the resolution at this time, without reference to a committee.

The resolution was adopted.

Senate Bill No. 22.

The Chair laid before the Senate, on second reading, the following bill:

S. B. 22, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or Celebrations in 1936; to provide for the creation of a Texas Centennial Commission of not less than twenty-one members and its permanent organization; to provide for filling vacancies and adding additional members; to provide for the creation of an advisory board of not less than one hundred members; to provide for compensation of officials and representatives; to create a public corporation known as "The Texas Centennial Commission," having power to procure charter or charters for non-profit-making corporations; to clothe the Texas Centennial Commission with plenary power to do any and all things in its judgment necessary to carry out the purposes of the organization; to give the commission authority to borrow money, negotiate loans, execute, deliver and dispose of its notes and bonds; to make such contracts as in its judgment may be necessary with individuals, institutions, communities, counties,

districts, municipalities, states, countries and foreign powers; to negotiate loans from the Federal Government, or through any of its constituted agencies; to limit the rate of interest on indebtedness to six (6%) per cent; to prohibit incurring any indebtedness in any form whatsoever against the State of Texas; to empower the Centennial Commission to pledge, hypothecate and mortgage its properties, receipts, income or anticipated revenues for the purpose of discharging its indebtedness; making an appropriation; to provide that if any provision herein shall be held invalid no other provision shall be affected; and declaring an emergency."

Senator Neal offered the following amendment:

Amend S. B. No. 22 by adding a new section as follows:

"Sec. 11-a. Provided that out of the first gross receipts reported to, or received by, the Texas Centennial Commission ten (10%) per cent shall be set aside to reimburse the State for this appropriation."

MOORE,
NEAL.

The amendment was adopted.

Senator Oneal raised the following point of order:

The only authority the Legislature of the State of Texas has for making an appropriation for a Centennial Celebration in 1936 is that given in Section 60 of Article 16 of the Constitution of the State of Texas. Article 60 is as follows:

"Section 60. That the Constitution of the State of Texas be so amended as to authorize a Texas Centennial, commemorating the heroic period of early Texas history, and celebrating a century of our independence and progress, to be held at such times, places and in such manner as may be designated by the Legislature of Texas.

That the Legislature of Texas be authorized to make appropriation for the support and maintenance thereof; provided, that this authorization shall not be construed to make appropriations for any future exposition or celebration of any kind or character."

This section of the Constitution makes it the duty of the Legislature

to designate the times, the places and manner for the Centennial Celebration and when the Legislature has itself performed that duty, it is authorized to make an appropriation for the support and maintenance thereof.

Senate Bill No. 22 by its first section provides for a "Celebration or Exposition to be held at such place or places, and at such time or times as may be hereafter designated by the Texas Centennial Commission" provided for in the Act. And this bill, in Section 11, makes an appropriation of \$250,000.00 from the general revenue of the State of Texas for inaugurating and carrying out the provisions of this Act.

The Legislature has not the constitutional authority to delegate its duty of designating the times, places and manner of the Centennial Celebration to the corporation sought to be created in Senate Bill No. 22 and has not the authority to make an appropriation to such corporation or to be used by such corporation without the Legislature having designated the places, the times and manner of the celebration.

The point of order was overruled, the Chair stating that if the Legislature is making unauthorized appropriations the courts are open for adjustments and decisions.

Senator Woodul offered the following amendment:

Amend S. B. No. 22 by inserting a new line between lines 50 and 51 of page 1 of the printed bill, said new line to read as follows:

"M. E. Foster, Houston, Texas."

WOODUL,
GREER.

The Senate granted unanimous consent to add the following names to the Woodul amendment:

T. O. Walton, College Station; F. Morris, Jr., Gainesville, Texas; Bruce McCarty, Eagle Lake, Texas; Thomas H. Taylor, Brownwood, Texas; M. K. Graham, Graham, Texas; Joe E. Largent, McKinney, Texas; Charles Guy, Lubbock, Texas; R. T. Craig, Athens, Texas; J. H. Simms, Simur, Texas; Guy Blount, Nacogdoches, Texas; J. H. Barwise, Jr., Fort Worth, Texas; Albert Sidney Burleson, Austin, Texas; John W. Carpenter, Dallas, Texas; Wm. P. Cam-

eron, Mineral Wells, Texas; J. D. Sanderfer, Abilene, Texas; Major Richard W. Burges, El Paso, Texas; R. M. Kelley, Longview, Texas; Fred O. Grimes, Hillsboro, Texas; Claude V. Birkhead, San Antonio, Texas; Leopold Morris, Victoria, Texas.

Senator DeBerry moved to table the Woodul amendment as amended.

The motion was lost.

The question recurred on the adoption of the Woodul amendment. The amendment was adopted.

Senator Moore offered the following amendment:

Amend S. B. No. 22 as follows: By adding after the word "labor" in line 40, page 2, the following: "President of the American Legion Auxiliary,—"

MOORE.

The amendment was adopted.

Senator Moore offered the following amendment:

Amend S. B. No. 22 by transferring the Commander of the American Legion from lines 37 and 38, page 2, and insert between lines 5 and 6, page 2.

MOORE.

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 22 by adding a new Section to be known as Section 2-A, as follows:

"No member of the Commission shall be eligible to hold any other State office of honor or emolument within one year after he severs his connection as a member of Texas Centennial Commission."

PURL.

The amendment was lost by the following vote:

Yeas—5.

Moore.
Oneal.
Poage.

Purl.
Woodruff.

Nays—24.

Beck.
Blackert.
Collie.
Cousins.
DeBerry.
Duggan.
Greer.

Hopkins.
Hornsby.
Martin.
Murphy.
Neal.
Pace.
Parr.

Patton.
Rawlings.
Redditt.
Regan.
Russek.

Sanderford.
Small.
Stone.
Woodul.
Woodward.

Absent—Excused.

Fellbaum.

Holbrook.

Senator Purl sent up the following amendment:

Amend S. B. No. 22 by striking out line 57 after the word "which" and all of line 58; and insert in lieu thereof the following:

"Audited in full by the State Auditor or some Certified Public Accountant designated by the State Auditor shall accompany the final report of said Commission to the Legislature."

PURL.

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 22 by adding a new Section to be known as Section 4-a, to read as follows:

"No person related to any member of the Commission within the third degree by consanguinity or within the second degree by affinity shall be employed by the Commission or by any agency or any corporation organized by the Commission."

PURL.

The amendment was adopted.

Senator Purl sent up the following amendment:

"Amend S. B. No. 22 by striking out "It is further" in line 36 and all of lines 37, 38, 39, 40, and 41, page 3, Section 9."

PURL.

Senator Woodul moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—20.

Beck.
Blackert.
DeBerry.
Duggan.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.
Neal.

Pace.
Parr.
Patton.
Rawlings.
Regan.
Russek.
Sanderford.
Stone.
Woodul.
Woodward.

Nays—6.

Collie. Oneal.
Cousins. Poage.
Murphy. Purl.

Present—Not Voting.

Redditt. Woodruff.
Small.

Absent—Excused.

Fellbaum. Holbrook.

Senator Oneal sent up the following amendment:

Amend S. B. No. 22 by adding immediately after Section 9-a a Section to be numbered 9-a as follows:

"Section 9-a. No contract entered into, obligation created by, certificate, note, bond, or other evidence of indebtedness, made, issued or assumed, directly or indirectly by the said The Texas Centennial Commission, or by any corporation or agency created by said Commission shall ever be either a moral or a legal obligation of the State of Texas, and every such contract, obligation, certificate, note, bond, or other evidence of indebtedness, shall have written or printed in plain letters across the same the following:

"The State of Texas shall never be liable on this obligation."

"Provided further that the failure so to print or write such language on any instrument shall never have the effect of making the State of Texas liable in any sense on such obligation."

ONEAL.

Senator Neal moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—18.

Beck. Patton.
Cousins. Rawlings.
Duggan. Redditt.
Greer. Regan.
Hornsby. Russek.
Martin. Sanderford.
Neal. Stone.
Pace. Woodruff.
Parr. Woodward.

Nays—7.

Collie. Oneal.
DeBerry. Poage.
Moore. Purl.
Murphy.

Present—Not Voting.

Blackert. Small.
Hopkins. Woodul.

Absent—Excused.

Fellbaum. Holbrook.

Senator Oneal sent up the following amendment:

Amend S. B. No. 22 by adding immediately after Section 11 another section to be numbered Section 11-a, as follows:

"Section 11-a. From and after the general election in November, 1934, it shall be unlawful for any member of such Commission to make directly or indirectly any contribution of money or other things of value to the campaign fund of any candidate for nomination for or election to the Congress of the United States, for the Legislature of the State of Texas, for any State office in the State of Texas, or for any appellate judicial office in the State of Texas; or to spend directly or indirectly anything of value for the purpose of nominating for or electing to, or of defeating for nomination for or election to any such office. Any member guilty of such Act may be removed from membership on said Commission by suit by the person aggrieved in any District Court in Travis County or in the county where the act is committed or in the county of the residence of said member."

ONEAL.

Pending.

Request for a Conference Committee.

On motion of Senator Sanderford, the Senate refused to concur in the House amendments to S. B. No. 3 and granted the request for a Free Conference Committee.

Message From the Governor.

Executive Department,
Austin, Texas, Feb. 20, 1934.
To the Forty-third Legislature in Second Called Session:

At the request of Senator Parr and Representative Celaya, I am submitting herewith for your consideration a bill to be entitled:

"An Act declaring it to be the policy of the State of Texas to provide for the standardization of certain vegetables as a protection to

grower, shipper, carrier and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the State of Texas;"

At the request of Senator Parr and Representative Celaya, I am submitting herewith for your consideration a bill to be entitled:

"An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof, whether under contracts or otherwise; and for licensing and bonding and regulating dealers in such products;"

At the request of Representative Butler, I am submitting herewith for your consideration a bill to be entitled:

"An Act changing the open season on dove and quail to open November 15th to January 16th, inclusive, in Brazos County, Texas; repealing all laws in conflict herewith, and declaring an emergency."

At the request of Representatives Palmer and Steward, I am submitting herewith for your consideration a bill to be entitled:

"An Act validating the consolidation proceedings consolidating Buffalo Independent School District of Leon County and Concord Common School District No. 41, and Martin Common School District No. 8 of Freestone County; . . . and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 96, A bill to be entitled "An Act to amend Section 9, of Article 1112-b, of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 442, by providing for punishment by fine not exceeding five hundred dollars (\$500),

etc.; making the president of any corporation the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust criminally responsible for the failure to comply with the terms of said Act, or for the violation of any of the terms or provisions thereof, or any rule or order duly adopted and promulgated by the said governmental agency under the terms of said Act; declaring it to be the legislative intent to enact each separate provision independent of the other provisions, and if any clause, sentence or part of said Act shall be declared unconstitutional, the same shall not affect any other clause, sentence, or part of same, and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 99, A bill to be entitled "An Act amending Section 5, of Chapter 26, Acts, Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same, authorizing the Railroad Commission agents to inspect refinery properties; requiring such refineries to equip their pipe lines with meters and report measurements of same, and declaring an emergency."

(As amended with engrossed rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 3, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of

vendor's lien and execution sales of real estate and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments; and providing further for amending House Bill Number 231, Chapter 102, page 225, General Laws passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein may be postponed or continued and orders of sales and executions may be stayed by complying with the conditions as provided in this Act, authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust; providing for extensions under certain conditions; permitting appeals without requiring supersedeas bonds and setting forth the conditions to be complied with and the duties of the judge and of the court in respect thereto, limiting the time this Act shall be effective and suspending laws in conflict herewith, but not repealing any laws; fixing a State policy, containing a saving clause; extending the time within which relief may be granted under the terms of said House Bill No. 231, and fixing venue for suits, the object of which suits are to foreclose liens upon real estate, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Recess.

On motion of Senator Hornsby, the Senate, at 12 o'clock noon, recessed until 2 o'clock p. m., today.

Afternoon Session.

The Senate was called to order,

pursuant to recess, at 2 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

Bills and Resolutions on First Reading.

By Senators Hornsby, Small, and Moore:

S. B. No. 65, A bill to be entitled "An Act establishing a uniform method whereby any legal subdivision of this State may effect a composition of creditors for the purpose of paying off the indebtedness incurred by it through the issuance and sale of bonds and/or warrants, and thereby providing prompt relief for those subdivisions unable to meet such indebtedness in full because of the prevailing unprecedented economic condition; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senators Hornsby, Regan, and Hopkins:

S. B. No. 66, A bill to be entitled "An Act creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as "The Colorado River Authority; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings, and declaring an emergency."

Read first time and referred to the Committee on Mining, Irrigation and Drainage.

By Senator Rawlings:

S. B. No. 67, A bill to be entitled "An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and

amounts of bonds to be given by livestock commission merchants, and providing for notice of cancellation of such bonds, and declaring an emergency."

Read first time and referred to the Committee on Stock and Stock Raising.

By Senator Sanderford:

S. B. No. 68, A bill to be entitled "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of deficiency certificates Nos. 1205, 1320 and 1395, issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; and providing that suit, or suits, may be instituted and maintained by the said W. B. Cross in any of the courts of Travis County, Texas, against the State of Texas as defendant, for himself on the deficiency certificates now held by him, and also for and on behalf of all other holders of deficiency certificates issued by the Comptroller of the State of Texas, and who are now holding the same as innocent purchasers, and which were covered by appropriation made in House Bill No. 397, Chapter 108, Acts of the Regular Session of the Forty-second Legislature of the State of Texas; defining innocent purchasers; providing procedure for said purpose and providing for the method and time of payment and re-appropriating funds out of which payment may be made, and declaring an emergency."

Read first time and referred to the Committee on Finance.

S. C. R. No. 27.

By Senators Woodward and Small:

Whereas, Because of the wording of Section 19 of Chapter 37, of the Laws of the First Called Session of the Forty-third Legislature confusion has arisen in the administration of relief in at least one county in the State and possibly in many counties; and

Whereas, The best interests of the State require that county administrators heretofore selected who have heretofore capably and efficiently served the State, and who are now disqualified by reason of Section 19 of the 1933 Relief Act, be permitted to continue to so serve the State and not be held to be disqualified because of a technical prohibition imposed by Section 19 of said Act; and

Whereas, In order to remove uncertainty it is necessary that the legislative intent be made plain.

NOW, THEREFORE, BE IT RESOLVED, By the Legislature of Texas, That it was not and is not the intention of the Legislature of Texas by the requirements of Section 19 of Chapter 37, Laws of the First Called Session of the Forty-third Legislature to disqualify any county administrator or other county employee formerly selected and serving as such prior to the passage of this resolution, by reason of the relationship mentioned in said Section, but said Section applies only to persons employed directly by the Texas Relief Commission as its employee;

Be it further Resolved, That nothing in this resolution shall affect the power conferred on the Texas Relief Commission by the Act of 1933, to reject or confirm any county administrator, or other employee, this resolution being in furtherance of those powers, and to clarify the right of the Commission to continue any county administrator, or other county employee in office who has been selected heretofore and who has served heretofore as such county administrator or county employee.

Read first time and referred to the Committee on State Affairs.

Bills Referred.

H. B. No. 96, referred to the Committee on Criminal Jurisprudence.

H. B. No. 99, referred to the Committee on Criminal Jurisprudence.

Free Conference Committee.

The Senate granted the request of the House for a Free Conference Committee on Senate Bill No. 3, and the Chair appointed the following to serve on the part of the Senate:

Senators Sanderford, Small, Moore, Woodward, and Woodul.

Senate Bill No. 22.

The question recurs on the adoption of the pending amendment by Oneal.

The amendment was lost by the following vote:

Yeas—10.

Blackert.	Moore.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Hornsby.	Regan.

Nays—14.

Beck.	Parr.
Greer.	Redditt.
Hopkins.	Russek.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.

Present—Not Voting.

Cousins.	Sanderford.
Patton.	Woodward.
Rawlings.	

Absent—Excused.

Fellbaum.	Holbrook.
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Senator Purl sent up the following amendment:

Amend Senate Bill No. 22, by striking out Section 9, and inserting in lieu thereof, the following:

"Section 9. That the members of said Commission shall not receive any compensation whatever for their services, except their traveling and hotel expenses incurred in attending meetings of any designated missions of the Commission and in carrying out instructions from the Commission under written direction of its duly constituted officers. It is further provided franking privileges may be accepted from telephone, telegraph and cable companies and that free transportation facilities may be furnished by the Railway, Pullman, Bus, Interurban and Airway Companies for such officers and representatives of the Centennial Commission as it may designate by appropriate resolution."

PURL,
MOORE.

The amendment was adopted.

Senator Moore sent up the following amendment:

Amend Section 2 of S. B. No. 22 by adding the following:

Mrs. Percy V. Pennybacker, Austin, Texas; Mrs. G. R. Scott, Corpus Christi, Texas; Mrs. Clara Driscoll Sevier, Corpus Christi, Texas; Mrs. Ben F. Boydston, Waco, Texas; Mrs. C. W. Connery, Fort Worth, Texas; Mrs. Henry B. Fall, Houston, Texas; Mrs. H. P. Drought, San Antonio, Texas; Mrs. Harold P. Abrams, Dallas, Texas; Mrs. L. J. Lovejoy, McKinney, Texas; Mrs. Jane Y. McCallum, Austin, Texas; Mrs. Van Stewart, Perryton, Texas; Mrs. M. J. Benefield, Brady, Texas; Mrs. Henry Brougner, San Antonio, Texas;

Mrs. Kale O'Connor, Victoria, Texas; Mrs. A. S. Latham, Longview, Texas; Miss Carrie Reaves, Brownwood, Texas; Miss Elizabeth Phillips, Tyler, Texas; Mrs. John D. Cochran, Sinton, Texas; Mrs. R. J. Turentine, Denton, Texas; Mrs. Emma Grigsby Mekarg, Plainview, Texas; Mrs. T. W. Lanier, El Paso, Texas.

MOORE.

On motion of Senator Rawlings, the following names were added to the amendment:

Mrs. J. U. Fields, Haskell; Mrs. Dallas Scarborough, Abilene; Mrs. Bob Barker, Fort Worth; Mrs. W. R. Potter, Bowie; Mrs. Volney Taylor, Brownsville; Mrs. W. R. Averitt, Lamesa; Mrs. I. D. Fairchild, Lufkin; Mrs. Fannie Campbell Wommack, Palestine; Mrs. Ella Lane, Shiner; Mrs. W. E. Spell, Waco; Mrs. Tom McClure, Pecos; Mrs. J. C. Butts, Hillsboro; Mrs. G. D. Anderson, Wichita Falls; Mrs. Henry Trigg, Fort Worth; Mrs. E. C. Clabaugh, Jr., Carthage; Mrs. Dr. John McCelvey, Temple; Mrs. W. J. Hildebrand, Gonzales; Mrs. N. P. Sander-son, Texarkana.

On motion of Senator Beck, the Senate granted unanimous consent for a space to be left for a name to be added by Senator Fellbaum.

The question recurred on the Moore amendment, as amended.

The amendment was adopted by the following vote:

Yeas—19.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Woodruff.
Moore.	Woodward.
Oneal.	

Nays—9.

Beck.	Sanderford.
DeBerry.	Small.
Murphy.	Stone.
Pace.	Woodul.
Patton.	

Present—Not Voting.

Neal.

Absent—Excused.

Fellbaum.	Holbrook.
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Senator Murphy sent up the following amendment:

Amend Section 9 of S. B. No. 22 as amended by the Purl and Moore amendments by adding after the words "traveling and hotel expenses" the following words, "Not exceeding one hundred dollars each."

MURPHY.

The amendment was adopted.

Senator Murphy sent up the following amendment:

Amend Section 1, of S. B. No. 22 by striking out all after the word "times" in line 39 of page one and adding the following:

"As may be hereafter designated by the Legislature of the State of Texas."

MURPHY.

The amendment was adopted.

Senator Regan sent up the following amendment:

Amend S. B. No. 22, Section eleven (11), by striking out the words and figures "Two Hundred and Fifty Thousand Dollars (\$250,000.00)" and inserting in lieu thereof the words and figures "One Hundred Thousand Dollars (\$100,000.00)."

REGAN.

Senator Woodruff sent up the following substitute amendment:

Amend S. B. No. 22 by striking out the figures and words "Two Hundred Fifty Thousand (\$250,000.00) Dollars" where they appear conjointly in Section 11, and inserting in lieu thereof the following: "Fifty Thousand Dollars (\$50,000.00)."

WOODRUFF.

The substitute amendment was lost.

The amendment by Senator Regan was lost by the following vote:

Yeas—11.

Collie.	Poage.
Cousins.	Rawlings.
DeBerry.	Redditt.
Hornsby.	Regan.
Murphy.	Woodruff.
Oneal.	

Nays—14.

Beck.	Moore.
Duggan.	Neal.
Hopkins.	Pace.
Martin.	Parr.

Patton.
Purl.
Russek.

Sanderford,
Stone.
Woodul.

Present—Not Voting.

Greer.
Small.

Woodward.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Blackert (present) who would vote yea, with Senator Holbrook (absent) who would vote nay.

Senator Purl moved to reconsider the vote by which the Murphy amendment No. 2 was adopted.

The motion prevailed.

The question recurred on the Murphy amendment No. 2.

The amendment was lost.

Senator Oneal sent up the following amendment:

"Provided that not less than one-fourth of said appropriation shall be used for working in co-operation with the departments of the State Government, the heads of the State institutions of higher learning, the American Legion, Department of Texas, and other public and civic organizations, for patriotic celebrations in San Antonio, Austin, the Battlefield of San Jacinto, in March and April, 1936, and other places in Texas notable in Texas history, and for general celebration throughout Texas on March 2nd, March 6th and April 21st, 1936, and on such other dates in 1936 as may be suitable for such celebrations."

ONEAL.

The amendment was lost.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 22 by striking out in Section 11 "Two hundred fifty thousand dollars (\$250,000.00)" and insert in lieu thereof the following:

"One hundred twenty-five thousand dollars (\$125,000.00)."

WOODRUFF.

The amendment was lost by the following vote:

Yeas—10.

Collie.
Cousins.

DeBerry.
Hornsby.

Murphy.
Oneal.
Poage.

Rawlings.
Regan.
Woodruff.

Nays—16.

Beck.
Duggan.
Greer.
Hopkins.
Martin.
Moore.
Neal.
Pace.

Parr.
Patton.
Purl.
Redditt.
Russek.
Sanderford.
Stone.
Woodul.

Present—Not Voting.

Small.

Woodward.

Absent—Excused.

Fellbaum.

(Pair Recorded.)

Senator Blackert (present) who would vote yea, with Senator Holbrook (absent) who would vote nay.

Senator Purl sent up the following amendment:

Amend Section 4 by adding a new section as follows:

"Section 4. The Texas Centennial Commission is authorized to select from its members an executive committee of not more than 15 members who shall be authorized to carry on its business affairs, subject to the ratification of a majority of the said commission at its next regular meeting."

PURL.

The amendment was adopted.

Senator Neal sent up the following amendment:

Amend the caption to conform with the body of the bill.

NEAL.

The amendment was adopted.

The committee amendments were adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 22 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.

Blackert.

Collie.
Cousins.
DeBerry.
Duggan.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.

Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Fellbaum.

Holbrook.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.
Blackert.
Collie.
Cousins.
Duggan.
Greer.
Hopkins.
Hornsby.
Martin.
Moore.
Neal.
Pace.

Parr.
Patton.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodul.
Woodward.

Nays— 1.

Woodruff.

Present—Not Voting.

Murphy.

Oneal.

(Pairs Recorded).

Senator DeBerry (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

Senator Poage (present) who would vote nay, with Senator Holbrook (absent) who would vote yea.

Reason for Vote.

Austin, Texas, Feb. 20, 1934.

Among my reasons for not voting on the final passage of S. B. No. 22 are these:

I do not believe that the Legislature has the constitutional authority to make an appropriation for a Centennial Celebration where the place and the time or the places and the times and the manner of holding the same are left to the designation of

the public corporation, created in S. B. No. 22. I asked the author of the bill to permit the bill to go temporarily to a committee for the purpose of amending the bill so as to fix some places and times for holding the Centennial Celebration in 1936. This the author of the bill declined to do. I then raised the point of order against the unconstitutionality of the bill as shown by the Journal. Later, in the consideration of the bill, the Murphy amendment was adopted and with that amendment, which still retained to the Legislature the matter of fixing the times and places and manner of the celebration, I would probably have voted for the bill, if too large an appropriation were not retained in it. But the Murphy amendment was later reconsidered and stricken out of the bill. I then offered the amendment to use one-fourth of the appropriation for a patriotic celebration and named San Antonio, Austin and the battlefield of San Jacinto, with the suggestion that other places be selected and in that proposed amendment fixed the times for these celebrations in March and April of 1936. With the adoption of this amendment, I would have voted for the bill, believing that this amendment would at least in part cure the unconstitutionality of the measure. This proposed amendment was defeated.

The bill as finally passed, carries an appropriation of \$250,000.00. I am of the opinion that this appropriation of \$250,000.00, to be used as it evidently will be used, since the proponents of the bill refuse to let there be written into the bill any provision that a part of the same should be used in getting ready for patriotic celebrations,—I am of the opinion this \$250,000.00, to be used as it evidently will be used, taking into consideration the financial condition of the State, is excessive, and that the bill should have been amended to reduce materially this amount.

I am heartily in favor of the Centennial Celebration such as the people of Texas contemplated would be held when they voted the amendment to the Constitution, known as Section 60 of Article 16, authorizing a patriotic celebration. I did not feel justified in voting for the bill. On

the other hand, I did not desire to vote against the same as it is my wish that the House of Representatives may so amend the bill that it will conform to the requirements of the Constitution and that it will have for its primary purpose patriotic celebrations throughout the State of Texas, and I can vote for the bill in this revised form.

ONEAL.

Mr. President: I ask unanimous consent to have printed in the Senate Journal, without comment by me, the following bill which was prepared by me before the Centennial Bill as passed by the Senate was introduced in the Legislature.

MOORE.

There being no objection it was so ordered.

Proposed by Moore.

By Moore.

S. B. No.—

A BILL

To Be Entitled

An Act creating a committee to be known and styled "The Texas Centennial Committee." Said committee to be composed of twenty-four members, two of whom are to be appointed by the Speaker of the House, two by the Lieutenant Governor and two by the Governor, and other ex-officio members herein provided. Provided that said committee shall serve without any compensation other than their traveling expenses and hotel bills. Said committee shall gather all available data relating to the cost, scope, construction, arrangement, promotion, advertisement, character and management of such exposition. Said committee shall file a written report with the Forty-fourth Regular Session of the Legislature when it convenes on the second Tuesday in January, 1935; making an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a committee to be known as and styled "The Texas Centennial Committee." Said committee shall be composed of twenty-four members; six of said members to be appointed as follows: two members of said committee shall be appointed by the Speaker of the House of Representa-

tives, two members thereof shall be appointed by the Lieutenant Governor, and two members thereof shall be appointed by the Governor, and the following eighteen persons shall be ex-officio members of the "Texas Centennial Committee": The Governor who shall also be Chairman of the Centennial Committee, Chairman of the State Highway Commission, Superintendent of Public Instruction, Secretary of the State Federation of Labor, Commissioner of Agriculture, State Commander of the American Legion, President of the Texas Federation of Women's Clubs, President of Daughters of the American Revolution, President of the Daughters of the Texas Revolution, President of the Daughters of the Confederacy, President of the Parent-Teachers Association, President of the American Legion Auxiliary, President of the State Press Association, President of the State Teachers Association, Commander of the Sons of the Confederacy, and the Presidents, respectively, of the East, South and West Texas Chambers of Commerce. The appointments so made shall be promptly and properly certified to the Secretary of State, who shall immediately issue to each member of said committee, a commission under the seal of the State of Texas, attesting such appointment. Upon the issuance of such commissions the Governor as Chairman of the Commission shall call said committee to meet in the City of Austin on a day certain not less than ten days nor more than twenty days after such call, for the purpose of organizing and carrying out the provisions of this Act.

Sec. 2. When said committee meets pursuant to said call referred to in Section one (1), hereof, said committee shall elect a vice-chairman from its membership. Two-thirds of the total membership of this committee shall be necessary to organize said committee, thereafter such number of said committee, as may be designated by the whole committee, may transact business. Upon the election of the vice-chairman, said committee shall employ a secretary, and such stenographers, clerks and other help from time to time as may be necessary, to carry out the provisions of this Act. Offices for such committee shall be provided in the State Capitol by the Board of Control.

Sec. 3. The members of said committee, as such, shall not receive any compensation whatever for their services, except their traveling and hotel expenses incurred under directions of the committee in carrying out the provisions of this Act. The Secretary of said committee shall devote his entire time to the carrying out of the provisions of this Act as such Secretary and shall receive a salary therefor, not to exceed \$250.00 per month, in addition to his traveling and hotel expenses in the discharge of his duties as Secretary of said committee. The Secretary, stenographers, clerks and other help to said committee shall be paid such salaries as may be fixed by said committee and shall be employed by said committee as they may be needed, be under the control thereof, and may be discharged thereby. But no salary shall be in excess of similar positions provided for in the appropriation bill of the Forty-third Legislature.

Sec. 4. When said committee has been organized, has been provided with proper offices, has elected its Secretary and employed the necessary stenographers, clerks and other help and provided itself with essential equipment to carry out the provisions of this Act, it shall make a general survey of the field of expositions as held by states and nations to commemorate historic events of great achievement. It shall gather all available data relating to the cost, scope, construction, arrangement of such an exposition; shall gather general available information data and facts in the United States which may be of value to the public. Said committee is given full authority and is directed to gather any and all data which may be of value to the public in determining the scope, kind, character and cost of such exposition or expositions. Said committee shall cause all data, material and matters gathered by it to be properly arranged and filed in concise form and shall have such of it printed in pamphlet form as to said committee may be deemed advisable. Said committee, in addition to the printed matter above referred to, shall make suggestions and recommendations to the public in detail, touching the scope, character, nature, cost plans for financing, etc., of such exposition or expositions, which suggestions, recommendations and re-

port shall also be printed in pamphlet form. This committee shall endeavor to co-operate fully with all organizations now organized or that may be hereafter organized, for the purpose of providing the Centennial Celebration, and shall try to coordinate all the activities and efforts in each community in the State to a systematic observance of this anniversary.

Sec. 5. Said committee shall make a full report of its activities and accomplishments, suggestions and recommendations to the Forty-fourth Legislature when it convenes on the second Tuesday in January, 1935.

Sec. 6. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated for the remainder of the present fiscal year, ending August 31, 1934, and the sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated for the fiscal year beginning September 1, 1934, and ending February 28, 1935, out of any funds not heretofore appropriated out of the General Funds of the Treasury of the State of Texas, and warrants shall be drawn thereon as are all other State warrants.

Sec. 7. The fact that there is a general desire and purpose among the people of Texas to hold such an exposition as hereinbefore set out, and for the purpose therein stated, in 1936, and the further fact that the data above described is necessary to an intelligent preparation for the holding of such exposition, and that the time is short in which the same may be granted, all create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days in each House, and the rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Message From the Governor.

Executive Office,
Austin, Texas, Feb. 20, 1934.
To the Forty-third Legislature in
Second Called Session:

At the request of Representative Hyder, I am submitting herewith for your consideration a bill to be entitled:

"An Act to amend Section 1, Chapter 90, House Bill No. 610, Special Laws of the Forty-second Legislature, Acts of the Regular Ses-

sion, as amended by Section 1, Chapter 33, House Bill No. 236, Special Laws of the Regular Session of the Forty-third Legislature; and declaring an emergency."

At the request of Senator Rawlings, I am submitting herewith for your consideration a bill to be entitled:

"An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given by livestock commission merchants, and providing for notice of cancellation of such bonds, and declaring an emergency."

At the request of Representative Greathouse and others, I am submitting herewith for your consideration a bill to be entitled:

"An Act fixing a limitation period of two years for the bringing of suits of any kind on account of the closing and abandonment of public streets or alleys or public roads or thoroughfares, or any parts thereof other than State highways, by ordinance of the governing body of a city or town or by order of the commissioners' court of a county; etc., and declaring an emergency."

At the request of Senator Sanderford, I am submitting herewith for your consideration a bill to be entitled: "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of deficiency certificates Nos. 1205, 1320 and 1395, issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; etc., and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 3. The following are the conferees on the part of the House:

Messrs. Greathouse, Burns, Pope,
Vaughan and Hankamer.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives

Recess.

On motion of Senator Blackert,
the Senate at 4:35 o'clock p. m.,
recessed until 10 o'clock a. m., to-
morrow.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 8
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 2
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 15
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 10
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 21
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 16
carefully examined and compared,
and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, February 20, 1934.
Honorable Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 52, being an Act making supplemental appropriations for
various departments of the State Government.

Have had same under consideration and I am instructed to report it
back to the Senate with the recommendation that it do pass with Com-
mittee Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, and be
printed in the Journal.

HOLBROOK, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 52, by inserting after line 4 on page 6 of said bill,
the following:

BOARD OF WATER ENGINEERS.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Traveling expenses	\$ 1,000.00	
Office supplies	400.00	
Total	\$ 1,400.00	

Committee Amendment. No. 2.

Amend H. B. No. 52, by inserting after line 20 of page 6 of said bill, the following:

DEPARTMENT OF EDUCATION.

	For the Year Ending August 31, 1934
Postage and stationery	\$ 3,500.00
Printing	2,250.00
Contingent	1,340.00
Furniture and typewriters	100.00
Per diem and expense of Text Book Commission	310.00
Traveling expense	2,500.00
Total	\$ 10,000.00

Committee Amendment No. 3.

Amend H. B. No. 52, by inserting on page 7, following line 10, the following:

STATE TREASURY DEPARTMENT.

Cigarette Tax Division.

Amend H. B. No. 167, Chapter 166 of the General Laws of the Forty-third Legislature, page 506, item number one under maintenance and miscellaneous for the Cigarette Tax Division of the State Treasury Department to read hereafter as follows:

	For the Years Ending August 31, 1934	August 31, 1935
Designing and manufacturing cigarette stamp etching and dies and printing stamps	\$ 27,000.00	\$ 3,000.00

Committee Amendment No. 4.

Amend H. B. No. 52 by inserting after line 14, page 8, the following:

STATE RECLAMATION DEPARTMENT.

	For the Year Ending August 31, 1934
For topographic and hydrographic surveys, etc., for flood control and for the general work of the Department, including wages for day labor, office supplies and contingent expenses	\$ 10,000.00
For establishing the boundaries of the State, and other boundaries, titles and rights involved in litigation which has arisen or which may arise, and for all necessary expenses and costs necessary in the proper determination of such questions; provided, that in this work in addition to other help, the State Reclamation Engineer may use the personnel, equipment and appropriations of the Department whenever doing so may be for the best interests of the State; and provided that any balance remaining from the appropriation for 1934 shall be available for 1935	5,000.00
Total	\$ 15,000.00

Committee Amendment No. 5.

Amend H. B. No. 52, by inserting after line 26, page 8, the following:

There is hereby appropriated the sum of \$150,000.00, contingent upon securing from the Federal Government, or other sources, an absolute grant of \$350,000.00 additional money to be used in the construction, furnishing and equipping of a State Courts Building in Austin, to be occupied by the Supreme Court, the Court of Criminal Appeals and the Attorney General's Department, on state owned ground, to be approved by the Board of Control and the Supreme Court.

Committee Amendment No. 6.

Amend H. B. No. 52, by inserting in Section 1, before line 1 on page 9, the following:

ADJUTANT GENERAL'S DEPARTMENT.

	For the Years Ending	
	August 31, 1934	August 31, 1935
To each regimental, brigade, division and train headquarters for postage and stationery	\$ 75.00	\$ 180.00
Monthly pro-rata to each company, troop, battery, detachment and band for actual necessary expenses, lights, water, stamps and stationery	450.00	900.00
Total	\$ 525.00	\$ 980.00

Committee Amendment No. 7.

Amend H. B. No. 52 by inserting before line one on page 10, the following:

	For the Year Ending August 31, 1934
Inspectors, none to exceed \$1,320.00 per year	\$ 25,000.00

Committee Amendment No. 8.

Amend H. B. No. 52, page 9, so that the same, being amended, shall read as follows:

RANGER SERVICE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Upkeep and transportation not to exceed Five Cents (5c) per mile for privately owned cars	\$ 9,200.00	\$ 9,200.00
Subsistence when absent from home station under orders at not to exceed \$3.60 per day in addition to home station allowance	4,500.00	9,000.00
Hospitalization and medical attention, when injured in line of duty and funeral expenses when killed in action, stationery, freight, postage, express, telegraph, telephone, and contingent expenses	4,500.00	9,000.00

This appropriation for the Ranger Service is in addition to the appropriations made in the Regular Session of the Forty-third Legislature, as shown in H. B. No. 167, Chapter 166, page 431, Acts of the Regular Session of the Forty-third Legislature.

Committee Amendment No. 9.

Amend H. B. No. 52 by inserting after line 21, on page 11, the following:

BOARD OF COUNTY AND DISTRICT INDEBTEDNESS.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Secretary-Manager	\$ 2,100.00	\$ 4,200.00
School Bond Clerk	1,050.00	2,100.00
Total	\$ 3,150.00	\$ 6,300.00

The above amounts are appropriated in addition to the amounts heretofore appropriated for the Board of County and District Road Indebtedness, and shall be used to supplement said appropriation made for the above named Board of County and District Road Indebtedness in General Appropriation Bill for State Departments, known as H. B. No. 167, and shown in the General Laws of the State of Texas, Forty-third Legislature, Regular Session, Chapter 166; and the appropriation herein made shall be out of the same fund as shown in said general bill.

It shall be the duty of the Secretary-Manager of the Board of County and District Road Indebtedness to serve in an advisory capacity to the State Board of Education in the purchase of bonds by said Board out of the permanent School Fund of Texas, and in connection with the purchase of said bonds and all investigations concerning same and in the keeping of records pertaining to same; the Secretary-Manager herein provided for, shall, with the consent of said Board, select a School Bond Clerk who shall perform such duties in connection with the purchase of bonds by the State Board of Education as may be prescribed by said State Board of Education, and the Secretary-Manager of the Board of County and District Road Indebtedness.

Committee Amendment No. 10.

Amend H. B. No. 52 by inserting after line 12, on page 11, the following:

TEXAS STATE HIGHWAY DEPARTMENT.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Administration Division:		
1. First Assistant Highway Engineer.....	\$ 50.00	\$ 50.00
2. Telephone operator	300.00	300.00
3. Mailing clerk	45.00	45.00
Engineering Division:		
4. Bridge Draftsmen, two	150.00	150.00
5. Engineers materials and tests.....	150.00	150.00
Maintenance Division:		
6. Assistant Maintenance Engineer	75.00	75.00
7. File Clerk	45.00	45.00
Total	\$ 815.00	\$ 815.00

Provided, that the above and foregoing amounts appropriated herein for the State Highway Department, and for services rendered by other agencies of the State Government to the Highway Department, shall be paid out of the State Highway Fund upon warrants issued by the State Comptroller, as provided by Chapter 1, Title 116, Revised Civil Statutes, 1925, and amendments thereto; provided further, that all funds or balances of funds on hand September 1, 1933, and all funds coming into the State Highway Fund and derived from registration fees or from other sources, after deducting the total of the specific appropriations herein made, are hereby appropriated to the State Highway Department for the establishment of a system of State Highways and the construction and maintenance thereof as contemplated and set forth in said Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty-ninth Legislature, and amendments thereto.

The above amounts are hereby appropriated in addition to the amounts heretofore appropriated for the positions itemized above and shall be used to supplement said appropriation made for the above positions in General Appropriation Bill for State Departments, known as H. B. No. 167 and shown in the General Laws of the State of Texas, Forty-third Legislature, Regular Session, Chapter 166.

Committee Amendment. No. 11.

Amend H. B. No. 52 by inserting after line 4, on page 13, the following:
There is hereby appropriated out of the General Fund in the State Treasury not otherwise appropriated, to cover an emergency appropriation for the Sam Houston State Teachers College at Huntsville, Texas, in the amount of \$2,800.00 or so much thereof as may be necessary. Said appropriation is made for the purpose of aiding the City of Huntsville and the CWA in financing of the construction of paving around the State Teachers College at Huntsville, Texas. This appropriation is made subject to the condition that the Board of Regents of the Sam Houston State Teachers College shall have charge of such construction and expenditure of the sum of money hereby and herein appropriated to said institution.

Committee Amendment No. 12.

Amend H. B. No. 52 by inserting after line 9, page 7, the following:

COMPTROLLER'S DEPARTMENT.

	For the Years Ending	
	August 31,	August 31,
	1934	1935
To pay respective county taxes due them on		
University land contained in such counties, to be paid out of the Available		
University Fund	\$ 35,000.00	\$ 35,000.00
	(Or so much thereof as may be necessary.)	

Committee Amendment No. 13.

Amend the caption of H. B. No. 52 to include the following:
"The Board of Water Engineers, The Department of Education, State Reclamation Department, Adjutant General's Department, Board of County and District Road Indebtedness, Texas State Highway Department, and Sam Houston State Teachers College at Huntsville; making an appropriation to be used in the construction of a State Courts Building in Austin and amending appropriation heretofore made for the State Treasury Department Cigarette Tax Division."

By Harmon, et al.

H. B. No. 52.

A BILL
To Be Entitled

An Act making a supplemental appropriation for the Ranger Service, the State Service Office, the State Board of Control, the Examining Division of the Insurance Department, the Executive Department, the Texas State Parks Board, the Health Department, the Supreme Court, the Texas State Department of Agriculture, the Live Stock Sanitary Commission, the Bureau of Labor Statistics, the State Auditor and Efficiency Expert, the Attorney General's Department, the General Land Office, the State Library and Historical Association and the State Board of Medical Examiners for the two (2) year period beginning September 1, 1933, and ending August 31, 1935; and for other purposes, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the several sums of money herein specified are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated or out of special funds that may be shown for the Ranger Service,

the State Service Office, the State Board of Control, the Examining Division of the Insurance Department, the Texas State Parks Board, the Health Department, the Supreme Court, the Texas State Department of Agriculture, the Live Stock Sanitary Commission, the Bureau of Labor Statistics, the State Auditor and Efficiency Expert, the Attorney General's Department, the General Land Office, the State Library and Historical Association and the State Board of Medical Examiners for the two (2) year period beginning September 1, 1933 and ending August 31, 1935; and for other purposes.

INSURANCE DEPARTMENT.

(Examining Division)

That the Chairman of the Board of Insurance Commissioners be and he is hereby authorized to employ not to exceed five (5) additional examiners in excess of those now authorized by law, three (3) of whom shall be senior examiners and two (2) of whom shall be assistant examiners, for the purposes of making on behalf of the State of Texas and of the Board of Insurance Commissioners all such examinations of insurance companies or other corporations at the expense of such companies or corporations, as are required to be made or provided by law. Such examiners and assistants shall, as directed by the Chairman of the Board of Insurance Commissioners, perform all the duties relative to all examinations provided by law to be made by the Board of Insurance Commissioners of the State of Texas.

All such examiners and assistants appointed under the provisions of this Act shall hold their position subject to the will of the Chairman of the Board of Insurance Commissioners, and shall be paid out of the fees and assessments collected under authority of Chapter 152, of the General Laws of the Regular Session of the Forty-second Legislature, all of said fees and assessments collected under authority of said law by the departmental appropriation bill enacted by the Forty-third Legislature. Said salaries shall be fixed by the Chairman of the Board of Insurance Commissioners, provided, however, that the salary of a senior examiner shall not exceed Three Thousand Six Hundred Dollars (\$3,600.00) per annum, and the salary of an assistant examiner shall not exceed Two Thousand Four Hundred Dollars (\$2,400.00) per annum.

Each examiner and assistant before entering upon the duties of his appointment shall take and file the oath and bond as required of other examiners; provided, further, that the traveling expenses and expenses of the examiners appointed by the provisions of this Act, as well as the examiners provided for by the departmental appropriation bill enacted by the Forty-third Legislature, shall not be subject to the limitations with reference to meals and lodging, it being specifically provided, however, that said examiners shall obtain receipts of all amounts expended and shall file said receipts with their expense accounts, which expense accounts must be duly itemized and sworn to. In all cases where it is necessary for an examiner to participate in a conventional examination or do examination work outside of the boundaries of the State of Texas, it shall not be necessary for said examiner to first obtain the written permission of the State Comptroller, and the State Board of Control authorizing in advance of said trip the necessity of such trip, it being entirely within the discretion of the Chairman of the Board of Insurance Commissioners.

STATE BOARD OF CONTROL.

The State Board of Control is hereby authorized to transfer from the appropriations made by the Regular Session of the Forty-third Legislature, as described therein for the support and maintenance of the State eleemosynary institutions any sum that they may deem necessary out of any unneeded funds of the various eleemosynary institutions for the fiscal years of 1933-34 and 1934-35 for the purpose of supplementing the support and maintenance of any of the State Eleemosynary Institutions that may be in need of additional funds. The Board of Control shall pass a

resolution authorizing the transfer of funds, from one institution to another, indicating the amount and the appropriation from which it is to be transferred, and the State Comptroller is hereby authorized and directed to make the transfer from one institution's appropriation to the other upon the written request of the State Board of Control for the purpose of supplementing the appropriation for support and maintenance and general repairs of any other State Eleemosynary Institution. The amount transferred shall be expended as other appropriations for support and maintenance and general repairs of the institution in conformity with the original appropriation Act appropriating funds for the support and maintenance of the Eleemosynary Institution and the General Laws of the State, and repealing any laws or part of law of the general appropriation bill that conflicts herewith.

Any unexpended balance of money on hand at the end of each of the fiscal years ending August 31, 1934 and 1935, respectively, in the fund established by the provisions of Chapter 199 of the printed General Laws of the Regular Session of the Forty-third Legislature, and therein designated as "State Board of Control Special Service Account," be, and the same are hereby re-appropriated for each of the two respective succeeding years for the purpose provided in said Act.

Whereas, The general provisions at the close of the Act making appropriations for the current biennium for the State Eleemosynary Institutions, beginning on page 272 of the printed General Laws of the Regular Session of the Forty-third Legislature, provide for certain local institutional, industrial-revolving and cash-expense funds for the specific purposes shown therein, and the deficit in the General Revenue Fund of the State prevents the efficient and intended use of said funds for their designated and appropriated purposes;

Therefore, Said State Eleemosynary Institutions be and they are hereby authorized to retain, under the written direction of the State Board of Control, from their local receipts such amounts as are currently needed for said specified purposes before remitting the balances to the State Treasury.

Whereas, In the currently available appropriations for Fannin State Park, Fannin, Texas, shown on page 503 of the printed General Laws of the Regular Session of the Forty-third Legislature, there were appropriated the sums of Two Hundred and Sixty-two Dollars and Fifty Cents (\$262.50) for engine to pump water, a pump-jack and new cylinder, for the year ending August 31, 1934, and Two Hundred and Twenty-five Dollars (\$225.00) for a mowing machine for the year ending August 31, 1935, when as a matter of fact the Commissioners of said Park desire to have said items and amounts reversed as to availability for said years;

Therefore, without increasing the total amount available for the two year period, the State Comptroller of Public Accounts be, and he is hereby authorized and directed to reverse said items and amounts accordingly as to each of said years.

EXECUTIVE DEPARTMENT.

	For the Years Ending	
	August 31 1934	August 31, 1935
Payment of rewards and other expenses necessary for the enforcement of the law, telephone, telegraph, contingent expenses, including accounting	\$ 6,750.00	\$ 6,750.00

The Governor is hereby authorized to offer the following rewards for: The capture of Clyde Barrow, the sum of One Thousand Dollars (\$1,000.00). The capture of Raymond Hamilton, the sum of Five Hundred Dollars (\$500.00). The capture of Joe Palmer, the sum of Five Hundred Dollars (\$500.00).

SUPREME COURT.

With the approval of the Supreme Court, the Secretary of the Board of Legal Examiners is authorized to appoint an assistant to serve during the months of February and March, June and July and October and November, at a salary of not more than One Hundred Dollars (\$100.00) per month, said salary to be paid by the Clerk of the Supreme Court out of the fees of office.

STATE HEALTH DEPARTMENT.

	For the Years Ending	
	August 31 1934	August 31, 1935
State Health Officers traveling expenses.....\$	300.00	
Telephone, telegraph expenses charges.....	650.00	
Postage, box rent, miscellaneous	800.00	
Traveling expenses of four (4) itinerant nurses	500.00	

TEXAS STATE PARKS BOARD.

There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Twenty-five Thousand Dollars (\$25,000.00) or so much thereof as may be necessary for the balance of the fiscal year ending August 31, 1934, and the sum of Twenty-five Thousand Dollars (\$25,000.00) or so much as may be necessary for the fiscal year ending August 31, 1935, said sum of money to be used in the discretion of the Texas State Parks Board for the maintenance, improvement, upkeep, salaries of employees, of any or all of the State Parks System, including those completed by the Civilian Conservation Corps.

It is the intent and purpose of the Legislature that the appropriation herein provided for shall be in addition to any other appropriation of public money for the Texas State Parks Board.

TEXAS STATE DEPARTMENT OF AGRICULTURE.

That the sum of Fifteen Thousand Dollars (\$15,000.00) be and the sum is hereby appropriated to the Texas State Department of Agriculture, out of funds allocated or to be allocated to the Texas State Department of Agriculture from the Special Racing Fund in the State Treasury, to cover the cost in the State of Texas of conducting and putting into effect a cotton planting seed sterilization program (as authorized by Chapter 3, Title 4, Revised Civil Statutes of 1925 as amended in Articles 74 and 75 by House Bill 162, Acts of the Regular Session of the Forty-first Legislature) involving the treating of cotton planting seed now on hand in the recently discovered pink boll worm infested area of the State.

RANGER SERVICE.

	For the Years Ending	
	August 31 1934	August 31, 1935
Upkeep and transportation not to exceed Five Cents (5c) per mile for privately owned cars	9,200.00	\$ 9,200.00
Subsistence when absent from home station under orders at not to exceed \$2.60 per day in addition to home station allow- ance, hospitalization and medical atten- tion, when injured in line of duty and funeral expenses when killed in action, stationery, freight, postage, express, tele- graph, telephone, and contingent ex- penses	\$ 9,000.00	\$ 18,000.00

This appropriation for the Ranger Service is in addition to the appropriations made in the Regular Session of the Forty-third Legislature, as shown in House Bill No. 167, Chapter 166, page 431, Acts of the Regular Session of the Forty-third Legislature.

STATE SERVICE OFFICE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Office supplies, stamps and contingent expense	\$ 150.00	\$ 150.00
Traveling expenses	250.00	250.00

BUREAU OF LABOR STATISTICS.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Deputies, two (2) men at One Thousand Three Hundred and Eighty Dollars (\$1,380.00) per year	\$ 1,380.00	\$ 2,760.00
Women inspectors, one (1) at One Thousand Three Hundred and Eighty Dollars (\$1,380.00) per year	690.00	1,380.00

STATE AUDITOR AND EFFICIENCY EXPERT.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Four assistant auditors, basis Three Thousand Five Hundred Dollars (\$3,500.00) per year, none to exceed Four Thousand Dollars (\$4,000.00) per year	\$ 7,000.00	\$ 14,000.00

ATTORNEY GENERAL'S DEPARTMENT.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Two (2) assistant attorneys general at Three Thousand Two Hundred Dollars (\$3,200.00) per year	\$ 3,200.00	\$ 6,400.00
Expenses and costs in civil cases, including all costs and expenses in preparing for filing, trial or appeal suits and matters involving public lands in which the Permanent School Fund is interested	15,000.00	Balance

For the purpose of enabling the State Library and Historical Commission to properly dispose of and burn the unnecessary correspondence and numerous voluminous records that now exist in connection with the office of the Secretary of State, and that are mainly located within the basement of the Capitol, and in order to provide for an additional needed employee and a desk and such filing cabinets as will be necessary to faithfully and efficiently carry out such work, and segregate and preserve such records from the vast heap that are unnecessary, and to preserve those that might be useful to the State and its posterity, the following sums of money, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of disposing of such unnecessary records and preserving those that might be necessary from the effective date of this Act to the period ending August 31, 1935; provided further that any unused portion of said sums herein appropriated shall revert to the General Fund of the State Treasury.

STATE LIBRARY AND HISTORICAL COMMISSION.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Record Clerk. (which said amount is to be paid in a monthly salary of not exceeding One Hundred Dollars (\$100.00) per month beginning March 1, 1934.) To be under the supervision of the State Library and Historical Commission	\$ 600.00	\$ 1,200.00
For desk and such filing cabinets and contingencies as are necessary	1,000.00	

GENERAL LAND OFFICE.

	For the Years Ending	
	August 31, 1934	August 31, 1935
Materials for book-binding	\$ 500.00	
Salary of one clerk	750.00	1,500.00

There is hereby appropriated to the Alamo Park Acquisition Board the rent from buildings purchased by that Board for the Alamo Park which is now on deposit in the San Antonio Loan & Trust Company and all other funds accruing by virtue of the sale of material from buildings now being razed and demolished on that property for the use of beautifying and improving the Alamo Park project. Said funds shall be spent by a requisition by the officers of the Daughters of the Republic with the approval of the State Board of Control, and the Comptroller is instructed to draw vouchers against the funds hereby appropriated when placed in the State Treasury.

STATE BOARD OF MEDICAL EXAMINERS

	For the Years Ending	
	August 31, 1934	August 31, 1935
Two inspectors to be paid out of the Medical Registration Fund a salary of One Thousand Eight Hundred Dollars (\$1,800.00) each	\$ 1,800.00	\$ 3,600.00

Repealing the appropriation of Three Thousand Six Hundred Dollars (\$3,600.00) for two inspectors contained in Chapter 166, Acts Regular Session Forty-third Legislature.

Sec. 2. The fact that the above and foregoing is an emergency appropriation for the support and maintenance of the Departments named herein of the State government, for the fiscal year ending August 31, 1934, and the fiscal year ending August 31, 1935, and in the interest of good public policy should be passed as speedily as possible, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 47, A bill to be entitled "An Act for the purpose of releasing penalties and interest accrued or that may accrue on all franchise taxes

that may be due or to become due under the provisions of Articles 7089 and 7091, Revised Civil Statutes of 1925, for the years 1928 to 1933, inclusive, and to release any penalties or interest accrued or that may accrue for failure to file reports for said years under Article 7089, provided that said franchise taxes are paid and report filed on or before six

(6) months after the effective date of this Act; and providing that no suit for forfeiture of charter for failure to file reports or pay said taxes, penalties and interest, shall be instituted during said six-months period; and providing that no forfeiture shall be entered or consummated without judicial ascertainment as provided in Article 7091 during said six-months period; and providing for revival of the right to do business in the event forfeiture has already been consummated by judicial ascertainment upon compliance with filing of report and payment of franchise taxes without penalty, revival fees, or interest within said period; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODUL, Vice-Chairman.

By Woodul.

S. B. No. 47.

A BILL

To Be Entitled

An Act for the purpose of releasing penalties and interest accrued or that may accrue on all franchise taxes that may be due or to become due under the provisions of Articles 7089 and 7091, Revised Civil Statutes of 1925, for the years 1928 to 1933, inclusive, and to release any penalties or interest accrued or that may accrue for failure to file reports for said years under Article 7089, provided that said franchise taxes are paid and report filed on or before six (6) months after the effective date of this Act; and providing that no suit for forfeiture of charter for failure to file reports or pay said taxes, penalties and interest, shall be instituted during said six-months period; and providing that no forfeiture shall be entered or consummated without judicial ascertainment as provided in Article 7091 during said six-months period; and providing for revival of the right to do business in the event forfeiture has already been consummated by judicial ascertainment upon compliance with filing of report and payment of franchise taxes without penalty, revival fees, or interest within said period; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all penalties and interest accrued or that may accrue, and as fixed by Article 7089 and 7091, Revised Civil Statutes of 1925, on all delinquent taxes due the State of Texas and for failure to make reports for the years 1928 to 1933, inclusive, shall be and the same are hereby released, provided said delinquent franchise taxes are paid and said reports filed as provided by Articles 7088, 7089, 7090 and 7091, on or before six (6) months after the effective date of this Act.

Sec. 2. That no charter of a corporation shall be forfeited during said six-months period on the ground of failure to pay franchise taxes as provided in Articles 7089, 7090, and 7091, for the years 1928, 1929, 1930, 1931, 1932, and 1933, or any of them, nor shall any suit be instituted to forfeit the charter for failure to file reports or pay said taxes, penalties and interest, as provided in said Articles.

Sec. 3. That in any case or cases where the right to do business has been forfeited without judicial ascertainment by the Secretary of State under Articles 7091 and 7092, Revised Civil Statutes of 1925, for failure to make reports or to pay franchise taxes, penalties or interest for the years 1928, 1929, 1930, 1931, 1932, 1933, or any of them, corporations involved will have the right to have said business revived upon payment of all franchise taxes and the filing of all reports due without payment of any penalties or interest, or revival fees, and that when the taxes alone shall be fully paid to the Secretary of State he shall revive the right of the corporation to do business within the State of Texas by cancelling the words "right to do business forfeited" upon his record, and endorsing thereon the word "revived" and the date of such revival.

Sec. 4. The fact that there are numerous small corporations now existing in the State of Texas which, due to the unprecedented business depression, have been unable and are still unable to pay said taxes, and the penalties and interest thereon, and which, unless relieved, will be unable to continue business and will have their charters forfeited for failure to pay said franchise taxes, penalties and interest, and which would, if relieved of the burden of

paying the penalties and interest, pay said taxes and continue business; and the further fact that said relief would cause the immediate payment of thousands of dollars in taxes due the State of Texas which otherwise would go unpaid, and avert serious loss to said companies, as well as to the State of Texas, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 40, A bill to be entitled "An Act to amend Article 6869 of the Revised Civil Statutes as amended by the Acts of the Forty-first Legislature, dealing with the appointment, authority, duties and qualifications of deputy sheriffs, limiting the number of such deputies in any county, and providing for the payment of their compensation, by adding a clause thereto excepting counties of over 355,000 population from the provisions of said Article 6869, as amended as aforesaid, in so far as the same relates to the number of deputies to be appointed by the Sheriff in said counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODUL, Vice-Chairman.

By Woodul.

S. B. No. 40.

A BILL

To Be Entitled

An Act to amend Article 6869 of the Revised Civil Statutes as amended by the Acts of the Forty-first Legislature, dealing with the appointment, authority, duties and qualifications of deputy sheriffs, limiting the number of such deputies in any county, and providing for the payment of their compensation, by adding a clause thereto excepting counties of over 355,000 population from the provisions of said Article 6869, as amended as aforesaid, in so far as the same

relates to the number of deputies to be appointed by the Sheriff in said counties; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6869 of the Revised Civil Statutes of 1925, as amended by the Forty-first Legislature, First Called Session, page 283, be, and the same is hereby amended so as to hereafter read as follows:

"Sheriffs shall have the power, by writing, to appoint one or more deputies for their respective counties, to continue in office during the pleasure of the sheriff, who shall have power and authority to perform all the acts and duties of their principals; and every person so appointed shall, before he enters upon the duties of his office, take and subscribe to the official oath, which shall be indorsed on his appointment, together with the certificates of the officer administering the same; and such appointment and oath shall be recorded in the office of the county clerk and deposited in said office. The number of deputies appointed by the sheriff of any one county shall be limited to not exceeding three in the justice precinct in which is located the county site of such county, and one in each justice precinct, and a list of these appointments shall be posted up in a conspicuous place in the clerk's office. An indictment for a felony of any deputy sheriff appointed shall operate a revocation of his appointment as such deputy sheriff. Provided further, that if in the opinion of the commissioners' court fees of the sheriff's office are not sufficient to justify the payment of salaries of such deputies, the commissioners' court shall have the power to pay the same out of the general fund of said county; provided that the limitation hereinbefore set out as to the number of deputies that may be appointed by the sheriff shall not apply in counties having a population of 355,000 or more according to the last preceding Federal Census."

Sec. 2. The fact that Article 3902 of the Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, when taken together with said Article 6869 as amended as aforesaid, limits the number of deputies that a sheriff may appoint to a number totally

inadequate for the preservation of law and order in counties of over 355,000 population, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to provide a more efficient system for the appointment of deputy district clerks serving in counties of more than 355,000 population, in which counties there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed by the judge of any such court; fixing the salaries of such deputies, and providing a method for their payment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODUL, Vice-Chairman.

By Woodul. S. B. No. 39.

A BILL

To Be Entitled

An Act to provide a more efficient system for the appointment of deputy district clerks serving in counties of more than 355,000 population, in which counties there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed so to do by the judge of any such court; fixing the salaries of such deputies, and providing a method for their payment; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That in counties of

more than 355,000 population according to the last preceding Federal census, and in which counties there are more than one district court, including criminal district courts, the clerk of the district court may appoint a special deputy for each court when directed so to do by the judge of any such court. Any such special deputy shall be paid out of the general funds of the county a salary to be fixed by the commissioners' court of said county not to exceed the maximum amount fixed by Article 3902 of the Revised Civil Statutes, as amended by the Acts of the Forty-third Legislature, for salaries of deputies and/or heads of departments, other than the first assistant or chief deputy.

Sec. 2. The fact that there is now no adequate provision made by law for the appointment and compensation of deputies serving in the district and criminal district courts in the counties affected by this Act, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, after considering S. C. R. No. 25, recommend the passage of S. C. R. No. 25 with the following amendments, and be printed in the Journal.

Amendment No. 1. That the words "areas which appear on the Land Office maps as" be placed after the words "right to lease" in the third paragraph of the resolution.

Amendment No. 2. That the words "as therein described" be placed after the words "unsurveyed areas of school land" in the seventh line of the fifth paragraph.

WOODRUFF, Chairman.

By Greer and Small. S. C. R. No. 25.

A Concurrent Resolution.

A Resolution declaring the legislative intent with reference to applications to lease unsurveyed school lands made under Section 8, Chap-

ter 271, General Laws, Regular Session, Forty-second Legislature.

Whereas, It is provided in Section 2 of House Bill No. 358, Chapter 271, Regular Session of the Forty-second Legislature, that public free school land may not be sold where located within five miles of a well producing oil or gas in commercial quantities but shall be subject to lease only; and

Whereas, It is provided in Senate Concurrent Resolution No. 4 of the First Called Session of the Forty-second Legislature, 1931, page 101, General and Special Laws, First Called Session, Forty-second Legislature, that the restrictions contained in Section 2 of said Act shall not apply to lands sold under the preference rights granted in Section 5 of Chapter 271, General Laws, Regular Session, Forty-second Legislature, but that lands may be sold under the preference rights granted by Section 5 of said Act when situated within five miles of a producing oil well; and

Whereas, Section 8, Chapter 271, General Laws, Regular Session, Forty-second Legislature, grants a preference right to lease unsurveyed school lands to persons, who discover the same, at a reasonable price fixed by the Commissioner of the General Land Office and with a royalty as provided in Section 10 of said Act; and

Whereas, There are conflicts between Section 5 and Section 8 of said Chapter 271 and confusion has arisen as to priorities thereunder; now, therefore be it

Resolved by the Legislature of the State of Texas, That it was the intention of the Forty-second Legislature and is now the intention of the Legislature of Texas that the preference right to lease granted under Section 8 of Chapter 271, General Laws, Regular Session, Forty-second Legislature, to persons who discover unsurveyed areas of school land shall be and the same is hereby declared to be superior to the preference right to purchase granted by Section 5 of said Act where said discoverer files his application to lease before and prior to any application to purchase under the preference rights granted by Section 5 of said Act; be it further

Resolved by the Legislature of Texas, That all applications for preference leases made under Section 8, Chapter 271, General Laws, Regular Session, Forty-second Legislature, and filed prior to any application to purchase under the preference rights granted by Section 5, Chapter 271, General Laws, Regular Session, Forty-second Legislature, shall be recognized by the Commissioner of the General Land Office as conferring a priority of right and said leases shall be issued by the Commissioner of the General Land Office when he is satisfied that the lands applied for are unsurveyed areas of school land and that the application to lease conforms to the requirements of Section 8 of Chapter 271, General Laws, Regular Session, Forty-second Legislature.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred House Bill No. 35, being

"An Act making an appropriation of ten thousand dollars (\$10,000.00) to be used by the State Board of Water Engineers for assembling the necessary data and for necessary expenses incurred in presenting application of Brazos River Reclamation District before the Public Works Administration and the Department of Interior and the President of the United States and for paying the existing indebtedness of said Reclamation District, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be printed in the Journal.

HOLBROOK, Chairman.

Committee Amendment No. 1

Amend House Bill No. 35, line 4 of the caption by striking out the words "Brazos River Reclamation District" and inserting in lieu thereof the words "Brazos River Conservation and Reclamation District," making such change wherever the name may appear in the bill.

By Harman, et al. H. B. No. 35.

A BILL

To Be Entitled

An Act making an appropriation of

ten thousand dollars (\$10,000.00) to be used by the State Board of Water Engineers for assembling the necessary data and for necessary expenses incurred in presenting application of Brazos River Reclamation District before the Public Works Administration and the Department of Interior and the President of the United States and for paying the existing indebtedness of said Reclamation District, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be expended under the supervision of the Board of Water Engineers of the State of Texas for payment of all necessary costs and expenses incurred in assembling and printing the data deemed essential by said Board for presenting to the Public Works Administration and the Department of Interior of the United States and the President of the United States and/or any other public body to whom the matter may be referred, the application of the Brazos River Reclamation District for funds to be used in accordance with the laws and amendments thereto, heretofore enacted by the Legislature, creating said Brazos River Reclamation District and authorizing it to exercise the powers referred to in said Acts; and for the further purpose of paying just and legal debts already created by said District, said appropriation to be in addition to other appropriations heretofore made for said Board of Water Engineers to be used for said Brazos River Reclamation District.

Sec. 2. The fact that the appropriation heretofore made for the Board of Water Engineers to be used for said District, is entirely exhausted and the time within which claims for such allotments may be considered by the United States Government is about to expire, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 79, A bill to be entitled "An Act amending Section III of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said Chapter, fixing date for filing claims under said appropriation, providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by reason of the Texas Regulatory Laws in such cases, providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full and no further payment made by the State for such claim, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOLBROOK, Chairman.

By Jackson, et al. H. B. No. 79.

A BILL

To Be Entitled

An Act amending Section III of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said Chapter, fixing date for filing claims under said appropriation, providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims; declaring it to be the intention of this Act to reimburse growers for expenses incurred in sterilizing cotton seed and fumigating cotton where same is produced in Texas, whether ginned in this State or some other, if said expense was charged by

reason of the Texas Regulatory Laws in such cases, providing that when any claim is paid only in its proportionate part, said claim shall be receipted for in full and no further payment made by the State for such claim, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 3 of Senate Bill No. 52, Chapter 67, Acts of the First Called Session of the Forty-third Legislature, is hereby amended so as to hereafter read as follows:

"Section 3. It is further provided that should the sum herein appropriated be insufficient to pay the claims of all growers and producers of cotton in full, then the sum appropriated shall be prorated among the growers and producers of cotton as hereinafter provided, and each such grower or producer shall receive that proportion of the total appropriation that his individual claim bears to the total claim approved by the Compensation Board.

"No part of the money herein appropriated to reimburse farmers for expenses incident to the establishment of regulated zones shall be paid directly or indirectly for commissions or fees to any person or persons for securing the passage of this Bill, or for services before committees or with members of the Legislature to secure its passage, or for presenting, filing and/or prosecuting said claims before the Compensation Claim Board, or any of its Agents.

"It is further provided that no claim or any part of any claim against the State, which has arisen or may arise, by virtue of and upon authority of the laws of this State, under whose authority this appropriation for payment of said claims is based, shall be negotiable or assignable; provided that this provision shall in no way affect the right of executors or administrators of the estate of any claimant from presenting the claim of any such claimant who may be deceased, in the same manner such deceased claimant could have done if living.

"Said funds appropriated by Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, of said session, shall be prorated among the valid claims of growers and producers of cotton in the zones affected in the following manner:

"First: In so far as the funds which are authorized in said appropriation are sufficient, they shall first be prorated to pay the valid claims that are filed with the Compensation Claim Board on or before April 1, 1934, and which are approved by said Board.

"Second: Any funds remaining under said appropriation after the payment of the valid and approved claims, which have been filed with the Compensation Claim Board, on or before April 1, 1934, and approved by said Board, have been paid in full, shall be prorated among the valid claims filed after April 15, 1934, and before October 23, 1935, and which are approved by the Compensation Claim Board.

"It is the intention of this Act to reimburse the growers and producers of cotton, which is produced in Texas, for expenses incurred in sterilizing cotton seed and fumigating cotton, whether said cotton was ginned in Texas or some other State, if said expense to the grower was charged by reason of the Texas Regulatory Laws in such cases.

"Provided that when any claim, payment of which has been authorized under the Act herein amended, is paid only in its proportionate part, the said claim shall be receipted for in full, and no further amount shall ever be paid by the State for such claim."

Sec. 2. The fact that Chapter 67, Acts of the First Called Session of the Forty-third Legislature, fixed no definite date terminating the filing of claims under said Act, thereby delaying the reimbursement of those entitled to such payments from said appropriation, creates an emergency and an imperative necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 20, 1934

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 66, A bill to be entitled "An Act creating a water conservation and reclamation district as a

public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as 'The Colorado River Authority'; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the Recommendation that it do pass, and be printed in the Journal and not otherwise printed.

COUSINS, Chairman.

By Hornsby, Regan S. B. No. 66.
and Hopkins.

A BILL

To be entitled

An Act creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as "The Colorado River Authority"; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging the property of the corporation; pro-

viding for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In order to further effectuate the constitutional mandate contained in Section 59, Article 16 of the Constitution of Texas, that the conservation and development of all of the natural resources of this State, including the control, storing, preservation and distribution of its flood waters, the waters of its rivers and streams for irrigation, power and all other useful purposes, etc., are each and all declared public rights and duties, and the Legislature shall pass all such laws as may be appropriate thereto, there is hereby created a water conservation and reclamation district embracing all lands within the Abraham Large Survey No. 32, in Burnet County and J. L. Henne Survey No. 4 in Llano County and in all surveys upstream in both such counties situated between a contour line of 1020 feet above mean sea level as determined by U. S. G. S. Bench Marks, and the center of the channel of the Colorado River, which district shall be a public corporation, a governmental agency, a municipality, body politic and corporate, vested with all the rights, powers and privileges of Water Improvement Districts, under Chapter 2, Title 128 of the Revised Civil Statutes of Texas, 1925, as amended, except as herein expressly limited, to be known as "The Colorado River Authority," and hereinafter in this Act referred to as the "Corporation."

Sec. 2. The purpose of such Corporation is the control, storing, preservation and distribution of the waters of the ordinary flow and underflow, and the storm, flood and rain waters of the Colorado River in Texas, with authority to store the same in reservoirs, or otherwise, and to sell, convey and deliver the same for all beneficial uses, and to effectuate such purposes and authority, such Corporation may acquire by purchase, grant, condemnation, or otherwise, any lands, water and riparian rights, structures and improvements, for the erection, construction, repair, enlargement, improvement and/or maintenance of dams, reservoirs,

canals, tunnels, viaducts, and/or other works necessary and/or useful for the control, storing, preservation and distribution of such waters; and shall have the exclusive right to use the bed, channel and banks of such stream, and its tributaries for such purpose. It may acquire the right to control, store, sell and distribute such waters by appropriation, through permit from the Board of Water Engineers of Texas, by complying with the provisions of Chapter 1, Title 128 of the Revised Civil Statutes of Texas, 1925, as amended, in the same manner as provided therein for private corporations and natural persons, and may exercise all the privileges therein conferred on such, and shall be subject to all provisions thereof. It shall have the power of Eminent Domain, which may be exercised in the manner prescribed by Title 52, Revised Civil Statutes of Texas, 1925.

Sec. 3. Such Corporation shall be governed by a Board of seven directors, three of whom shall be the members of the State Board of Water Engineers and four of whom shall be citizens of this State appointed by the State Board of Water Engineers, such four appointees to be each appointed for a term of four years, except that two of the first four directors appointed shall be appointed for terms of two years each. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall select one of its number as chairman. Each director shall be paid ten dollars per day for each day necessarily spent in attendance on business of the Corporation, plus actual traveling and other expenses. The office of the Corporation shall be in Austin, Texas. The Board of Directors shall select a seal for the Corporation; and may select a secretary, a manager for the Corporation, and may employ such attorneys, auditors, engineers and other assistants as it may deem necessary for the conduct of the business of the Corporation, and prescribe their duties, and fix their compensation; provided that such compensation shall never be so fixed by contract that it cannot be supervised or changed by the Legislature.

Sec. 4. Such Corporation may enter into contracts, incur obliga-

tions, acquire and hold property, sue and be sued in its corporate name. All contracts and written obligations of the Corporation shall be signed in its name by the chairman of the board of directors, and attested by its secretary with the seal of the Corporation. The Corporation shall have authority to incur indebtedness, to borrow money from any source, including the United States Government, or any agency thereof, and accept grants therefrom. To secure the payment of any money so borrowed, or any indebtedness in any manner created, the Corporation may issue its bonds, notes or other obligations and may mortgage or encumber any of the property of the Corporation, including its permits and franchises, and may pledge its revenue and income; such bonds, notes, or other obligations to be issued on authority of resolution of the board of directors and to bear such rate of interest, to contain such provisions for maturity, and such other provisions as may be fixed by resolution of the board; provided such obligations shall not be a charge on the State, nor on any of its revenues derived from taxation, nor shall the Corporation ever have authority to pledge the credit of the State of Texas for any purpose. Such bonds shall not be an indebtedness charged against the district, as such, nor a lien on any property thereof except that specially mortgaged or encumbered, as herein authorized, nor shall any tax be levied by the district for the payment of such bonds, or for any other purpose.

Sec. 5. Nothing herein shall be construed as cancelling, impairing or in any manner affecting any existing water rights.

Sec. 6. The funds of the Corporation shall be kept in a depository selected by the board of directors as provided by law for the selection of county depositories, and secured as provided by law for the securing of county funds by such depositories. Such funds may be withdrawn only on vouchers signed by the chairman of the board of directors and countersigned by the secretary. The board of directors shall, on or before the 10th day of January of each year, file with the Secretary of State a statement of the financial affairs of the Corporation, showing the receipts

and disbursements for the next preceding calendar year, and containing such other information as will disclose the financial condition of the Corporation. Any funds on hand when any such statement is filed, remaining after the payment of all indebtedness of the Corporation, and after a sufficient sum has been set aside, for replacements, repairs, improvements, betterments and depreciation, and sufficient for operating expenses for the ensuing year, shall be, by the board, paid into the general fund of the State Treasury.

Sec. 7. The fact that the construction of a reservoir on the Colorado River in the territory included in the foregoing district is needed to control the flood and storm waters of such river and prevent loss of life and the destruction of millions of dollars of property annually, and that such project is deserving of assistance from the Federal Administration of Public Works and other agencies of the United States Government, creates an emergency and imperative necessity that the rule requiring bills to be read on three several days, be and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 64, A bill to be entitled "An Act relating to agriculture and agricultural products; providing for investigations of the business and affairs of wholesale purchasers thereof whether under contracts or otherwise; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 63, A bill to be entitled "An Act declaring it to be the policy of the State of Texas to provide for

the standardization of certain vegetables as a protection to the grower, shipper, carrier and consumer; placing the jurisdiction of grades and classifications thereof under the direction of the Commissioner of Agriculture of the State of Texas; directing and empowering the Commissioner to establish regulations and grades of certain vegetables; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 53, A bill to be entitled "An Act amending Article 677 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 50, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Crim-

inal Jurisprudence, to whom was referred

S. B. No. 56, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of 1925, relating to severance in criminal cases, by omitting therefrom the following: 'Provided that where there are two or more persons jointly charged or indicted and a severance is had, the privilege of testifying shall be extended only to the party on trial,' and repealing Article 711 of the Code of Criminal Procedure of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 58, A bill to be entitled "An Act authorizing the judge of the court upon the trial of a person charged with a criminal offense to conduct the examination of jurors himself and to test the qualification of jurors; providing, however, that such judge may in his discretion permit counsel to suggest such questions to be propounded to jurors as in the opinion of the judge would be proper; providing further that a juror held to be qualified by the court and who is empaneled and sworn as a juror in the case shall be presumed to be a qualified juror, unless in the opinion of the Appellate Court on appeal it is made to appear that such juror was disqualified under the Code of Criminal Procedure of the State of Texas and that such disqualification tended to bring about the conviction of the defendant or materially affected the rights of the defendant; and providing further that nothing herein contained shall be construed to repeal Article 616 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 59, A bill to be entitled "An Act further regulating continuances in criminal cases in respect both to the application filed in behalf of the State or in behalf of the defendant and to be known as Articles 542-A and 543-A, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 51, A bill to be entitled "An Act amending Article 710 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 54, A bill to be entitled "An Act amending Article 23 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODRUFF, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 54, A bill to be entitled "An Act amending Article 23 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE,
WOODWARD.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 52, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 57, A bill to be entitled "An Act to amend Articles 650 and 651 of the Code of Criminal Procedure which permits defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, by leaving the action thereon to the sound discretion of the trial court, and regulating the procedure in reference thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 55, A bill to be entitled "An Act amending Article 658 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 100, A bill to be entitled "An Act providing for the compensation of county commissioners in certain counties having a population of not less than seventeen thousand five hundred and seventy (17,570) and not more than seventeen thousand five hundred and eighty (17,580), etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

PACE, Vice-Chairman.

Committee Amendment No. 1.

Amend H. B. No. 100 by adding thereto just preceding the last line in Section 1, the following:

"In all counties of this State, having a population according to the United States Census of 1930, of not less than five thousand two hundred and twenty-five (5,225) nor more than five thousand three hundred and seventy-five (5,375), each county commissioner shall receive \$5.00 per day for each day served as commissioner and when acting as ex-officio road superintendent in his

precinct, not to exceed nine hundred (\$900.00) dollars in any year."

Committee Amendment No. 2.

Amend caption to H. B. No. 100 by adding thereto just preceding the last clause the following:

"And providing further that in all counties of this State, having a population according to the United States Census of 1930, of not less than five thousand two hundred and twenty-five (5,225) nor more than five thousand three hundred and seventy-five (5,375) each county commissioner shall receive \$5.00 per day for each day served as commissioner and when acting as ex-officio road superintendent in his precinct, not to exceed nine hundred (\$900.00) dollars in any year."

Committee Amendment No. 3.

Amend H. B. No. 100 by adding after the figures and symbols "(10,-510)" and before the word "according," in the third from the last line in the caption the following: "And in counties having a population of not less than 19,175 and not more than 19,180.

And by adding after Committee Amendment No. 2, and just preceding the last sentence on page 2, the following:

"And in counties having a population of not less than 19,175 and not more than 19,180, according to the 1930 Federal census, each county commissioner shall receive an annual salary of \$1500.00, payable in twelve equal monthly installments."

Committee Amendment No. 4.

Amend H. B. No. 100 by adding another section to be known as Section No. 1-a.

"Section 1-a. That the salaries and compensation of the county commissioners in counties with a population of not less than 48,500 nor more than 49,000 according to the last Federal census shall be eighteen hundred (\$1800.00) dollars per annum, payable in equal monthly installments of one hundred fifty (\$150.00) dollars per month. That not to exceed three-fourths (3/4) of said salaries may be paid out of the road and bridge fund, and that the remainder thereof shall be paid out of the general fund of the county."

Committee Amendment No. 5.

Amend H. B. No. 100 by adding the following provision just preceding the last sentence on page 2:

"and in counties having a population of not less than 34,100 nor more than 34,500, each county commissioner shall receive twenty-one hundred (\$2,100.00) dollars per year, payable in twelve equal monthly installments."

Committee Amendment No. 6.

Amend caption to H. B. No. 100 by adding between the figures (10,-510) and the word "according" the following:

"And in counties having a population of not less than thirty-four thousand one hundred (34,100) and not more than thirty-four thousand five hundred (34,500)."

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 61, A bill to be entitled "An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032 to the Railroad Commission of Texas and the Attorney General of Texas for the enforcement of the oil and gas laws of this State, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 67, A bill to be entitled "An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given to livestock commission merchants, and providing for notice of cancella-

tion of such bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

SIXTEENTH DAY—Continued.

Senate Chamber,
Austin, Texas,
February 21, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 13.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 13, A bill to be entitled "An Act providing for the issuance of State relief bonds, to be designated as 'Texas Relief Bonds—Second Series,' in the sum of ten million dollars (\$10,000,000), under Section 51-a, Article III, of the Constitution of the State of Texas; providing the terms and the denominations and interest of such bonds, and the manner of signing and registering same, and the sources from which said bonds and the interest thereon shall be paid, and exempting same from taxation; etc."

The Senate granted unanimous consent to adopt and consider the committee substitute in lieu of the original bill.

The committee amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, by striking out all of Section 25.

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, pages 7 and 8 by striking out all of Section 24.

HOLBROOK.

The amendment was adopted

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 3, line 59 (of the printed bill), by add-

ing after the word "proper" the following:

"It is further provided that if in the opinion of the commission such advertisement is necessary," an advertisement similar in extent and for the same period of time as that published in Texas newspapers may be published in one newspaper of general circulation outside of Texas.

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, by striking out all of lines 40 and 41 and substitute in lieu thereof the following: "By being confined in the county jail for a period not to exceed three months or by both such fine and confinement in the county jail."

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, line 22, by inserting before the word "no" in said line the following: "Section 27," and renumber subsequent sections accordingly.

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, line 33, by adding after the word "conviction" in said line, the word "thereof."

HOLBROOK.

The amendment was adopted.

Senator Sanderford sent up the following amendment:

Amend House Bill No. 13, by striking out all of Section 6, page 4, line 32, and inserting in lieu thereof a new Section 6 to read as follows:

"That all bonds sold by the Texas Bond Commission under the terms of this Act shall be eligible for purchase out of the Permanent Fund of the University of Texas, the Public Free School Fund, the Highway Fund, or any other fund now existing under control of or for the use in the maintenance of any institution of higher education in Texas, or the public school system of this State, or any eleemosynary institu-